

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
v.
LARRY GITTINGS,
Defendant.

Case No. [14-cr-00603-KAW-1](#)

**ORDER GRANTING THE UNITED
STATES' MOTIONS IN LIMINE AS
UNOPPOSED**

Re: Dkt. No. 34

On October 20, 2015, the Government filed three motions in limine. (Mot., Dkt. No. 34.) On October 27, 2015, Defendant Larry Gittings filed a reply stating that he had no objection to the Government's motion in limine. (Def.'s Reply, Dkt. No. 38.) Accordingly, the Government's three motions in limine are GRANTED as unopposed:

1. Motion to Exclude Reference to Sentence or Punishment.

The motion is granted, such that any reference to sentence or punishment is excluded during trial, including any reference to the term of probation that Defendant could receive if convicted of the crimes charged.

2. Motion to Admit Defendant's Statements.

The motion is granted, and the verbal and/or written statements Defendant made on September 17, 2014, September 18, 2014, and September 19, 2014 are admissible against Defendant as non-hearsay admissions by a party-opponent under Federal Rule of Evidence 801(d)(2)(A). Defendant may not, however, use any statements in his defense unless another hearsay exception applies.

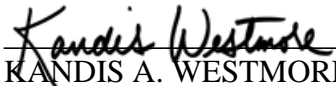
3. Motion to Limit Defendant's Presentation of Character Evidence.

The motion is granted, such that Defendant shall not seek to introduce character evidence

1 without advance permission from the Court and an offer of proof as to its relevance and
2 admissibility.

3 IT IS SO ORDERED.

4 Dated: November 5, 2015

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6 KANDIS A. WESTMORE
7 United States Magistrate Judge
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